

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

By the present amendment, claims 28 and 29 have been canceled without prejudice or disclaimer. Claims 2, 3, 21 and 31 have been amended at least partly in response to issues raised in the Office Action. Claims 1-3, 12-17, 20-27 and 30-45 are now pending in this application.

Applicants acknowledge with appreciation the indication in the Office Action that claims 1, 12-17, 20 and 21 are allowable.

Claims 2 and 22-33 were rejected under 35 U.S.C. §112, first paragraph, for the reason set forth in paragraph (2) of the Office Action. Without conceding the propriety of this rejection, claim 2 has been currently amended to specify that the range of proportions of component (E) is 0.1 to 5 parts as suggested by the Examiner. Support for this amendment may be found in the specification, for example, on page 14, line 9 from the bottom of the page. Accordingly, this rejection has been obviated and should be withdrawn.

Claims 3 and 34-45 were objected to for the reason given in paragraph (11) of the Office Action. In response thereto, the objection has been obviated by deleting the word "component" in every occurrence in claim 3.

Claims 2 and 22-33 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,810,862 (Mathis et al.) for reasons set forth in paragraph (5) of the Office Action. In addition, claims 2 and 22-33 were rejected under 35 U.S.C. §103(a) as obvious over the Mathis et al. '862 patent for the reason provided in paragraph (9) of the Office Action. Reconsideration and withdrawal of these rejections are respectfully requested in view of the above amendments to claim 2 and for at least the reasons which follow.

Claim 2 has been amended to specify that the acid neutralizer, component (D), is selected from the preferred group of materials disclosed on page 12, second paragraph, of the specification. Since Mathis et al. '862 does not mention any of these materials (i.e., hydrotalcite, magnesium oxide, aluminum hydroxide or magnesium hydroxide), the §102(b) rejection based on this reference is inapplicable and should be withdrawn.

Moreover, zinc oxide and the other fillers mentioned in column 2, lines 16-17 of the reference act as nucleating agents "for ready production of the char when the compositions are exposed to high temperature . . ." (column 2, lines 19-21). According to this document, the fillers are otherwise inert (column 2, line 22).

To the contrary, the acid neutralizers employed in the present invention are not inert but act to neutralize phosphoric acid and/or polyphosphoric acid which may be formed as a result of thermal decomposition of the nitrogen atom-containing phosphatic compound present in the claimed compositions. There would be no motivation for those of ordinary skill in the art to add the acid neutralizers specified in claim 2 to the compositions of Mathis et al. '862 in the absence of any indication in the reference that acid neutralizers

are contemplated. Nor would there be a motivation for those of ordinary skill in the art to substitute any of the specific compounds listed in claim 2 as component (D) in place of zinc oxide since one could not reasonably predict that these acid neutralizers would successfully perform as nucleating agents in the compositions of Mathis et al. '862.

As discussed on page 11 of the specification, acid neutralizers are added to avoid possible discoloration of articles manufactured from the claimed compositions by the presence of phosphoric acid decomposition products. This is confirmed by a comparison of Example 2 and Comparative Example 2 (Table 1, page 21). Mathis et al. '862 is completely silent concerning the aforementioned advantage of adding acid neutralizers.

For at least the above reasons, the §103(a) rejection should be withdrawn. Such action is earnestly requested.

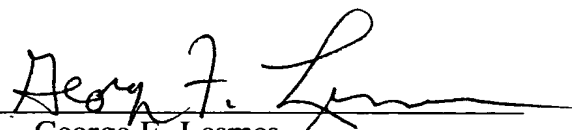
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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